

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WAYNE HOLLAUS,

Plaintiff,

v.

KEVIN POSALSKI, *et al.*,

Defendants.

CASE NO. 2:25-cv-00268-JHC-GJL

ORDER TO FILE ANSWER OR
SHOW CAUSE

This prisoner civil rights action has been referred to United States Magistrate Judge Grady J. Leupold. This matter is before the Court following Defendant Kevin Posalski's failure to file an answer or motion permitted by Rule 12 of the Federal Rules of Civil Procedure by the required deadline.¹ As set forth below, Defendant Posalski is **ORDERED** to **FILE** an answer or motion permitted by Rule 12 not later than **October 16, 2025**, or **SHOW CAUSE** why he is unable to do so by that date.

On July 8, 2025, the Court directed service of Plaintiff Wayne Hollaus' Amended Complaint upon all Defendants, but Defendant Posalski did not return a signed waiver of service

¹ To date, no counsel has entered an appearance on behalf of Defendant Posalski, who is sued in his individual capacity and remains unrepresented in this action.

1 of summons by the required deadline. *See* Dkt. 10. Following a Show Cause Order regarding his
2 delinquent service waiver, Defendant Posalski filed a signed waiver of service of summons on
3 September 2, 2025. Dkt. 14 (Order to Show Cause); Dkt. 15 (Waiver of Service).

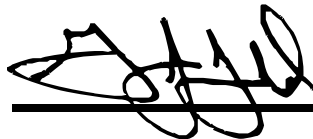
4 By waiving service of summons, Defendant Posalski agreed to the following terms:

5 I agree to save the cost of service of a summons and an additional copy of the
6 complaint by not requiring that I, or the entity I represent, be served with judicial
7 process as provided in the Federal Rule of Civil Procedure 4. I, or the entity I
8 represent, will retain all defenses or objections to the lawsuit or to the jurisdiction
9 or venue for the court except for objections based on a defect in the summons or in
the service of summons. **I understand that a judgment may be entered against
me, or the entity I represent, if an answer or motion under Federal Rule of Civil
Procedure 12 is not filed and served upon the plaintiff within 60 days after
July 8, 2025.**

10 *Id.* (emphasis added). The deadline for Defendant Posalski to file and serve an answer or Rule 12
11 motion has expired, and no such filings have been received from him.

12 Accordingly, Defendant Posalski is hereby **ORDERED** to **FILE** an answer or motion
13 permitted by Rule 12 not later than **October 16, 2025**, or **SHOW CAUSE** why he is unable to
14 do so by that date. The Clerk of Court is **DIRECTED** to send a copy of this Order to Defendant
15 Posalski at the Federal Detention Center in Seattle Tacoma by certified mail. The Clerk is
16 **FURTHER DIRECTED** send a courtesy copy of this Order to the United States Attorney's
17 Office for the Western District of Washington by first-class mail.

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19 Dated this 15th day of September, 2025.

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22 Grady J. Leupold
23 United States Magistrate Judge
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